

Justice Reinvestment Initiative Update

Reentry Council

December 6, 2011

Overview of Justice Reinvestment Initiative

Justice reinvestment is a *data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety*. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost-effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable. States and localities engaging in justice reinvestment collect and analyze data on drivers of criminal justice populations and costs, identify and implement changes to increase efficiencies, and measure both the fiscal and public safety impacts of those changes.

Justice Reinvestment assists policymakers to reach their goals through a four-step approach:

1. Analyze criminal justice trends to understand factors driving jail and prison population growth.
2. Develop and implement policy options to generate savings and increase public safety.
3. Quantify savings and reinvest in select, high-risk communities and other prevention-oriented strategies.
4. Measure the impact of policy changes and reinvestment resources and enhance the accountability of criminal justice system actors and policies.

The Justice Reinvestment Initiative (JRI) was launched by the Bureau of Justice Assistance (BJA) in the Office of Justice Programs, U.S. Department of Justice, in coordination with justice reinvestment and related efforts supported by independent organizations. The purpose of JRI is to provide technical assistance and competitive financial support to states, counties, cities, and tribal authorities that are either currently engaged in justice reinvestment or are well positioned to undertake such work as either a Phase I or Phase II site:

- *Phase I* sites will receive intensive, onsite technical assistance to start the justice reinvestment process, which involves engaging leaders and key stakeholders, conducting a comprehensive analysis of criminal justice data, and identifying strategies to reduce costs and increase public safety.
- *Phase II* sites will receive both targeted technical assistance and funding to support the implementation of justice reinvestment strategies. Sites that apply to be Phase II sites must have already completed all of the steps associated with Phase I.

More information about JRI is available at <http://justicereinvestment.org>

Summary of San Francisco's Application

San Francisco was selected as a Phase I site for JRI in April 2011. The letter of interest submitted by the co-chairs of the Reentry Council identified the following as issues of interest for justice reinvestment:

- *High Rates of Recidivism:* For person, property, and drug offenses, the San Francisco three-year follow-up recidivism rate ranges from 70% to 95%, as compared to a statewide range of 49% to 71%.

- *Disproportionate Incarceration of African Americans:* Of the 1,875 men in custody on a given day in April 2008, 56% were African American, 20% White, 16% Hispanic, 4% Asian, and 4% classified as Other. Of the 282 women in custody on that same day, 67% were African American, 10% Hispanic, 11% White, 4% Asian, and 8% classified as Other.
- *Significant Proportion of Non-Violent, Non-Serious Offenders in State Prison:* Of the 448 offenders in state prison from San Francisco with a release date between April 1, 2010 and March 31, 2011, 41% were incarcerated for a non-serious, non-violent offense, 24% had a prior serious or violent offense, and 35% had a current serious or violent offense. In other words, 65% of offenders from San Francisco were incarcerated for a current offense which was neither serious nor violent.

As part of San Francisco's application to participate in JRI, the Reentry Council agreed to serve as the "collaborative" for JRI, which is responsible for the administration, oversight and performance of JRI in San Francisco.

Policy Options

Following are policy options either proposed or implemented in other sites that have undergone justice reinvestment activities. This overview was adapted from a document prepared by Peter Ozanne.

System-wide

- Eliminate duplication of efforts by reducing the number of screening and assessment tools used, and by facilitating data sharing through all stages of processing.

Law Enforcement

- Establish pre-adjudication diversion programs for first-time and low-level nonviolent offenders.
- Establish crisis intervention teams to respond to offenders with perceived mental health needs, diverting to treatment instead of court when possible (proposed by Framingham, MA).

Detention

- Implement or expand community-based pretrial supervision, with varying levels of intensity/restriction based on the use of an objective pretrial risk assessment (Washington, DC).
- Establish a Jail Release Coordinator to identify detainees with exceptional length of stay who may be candidates for expedited release (proposed by Alachua Co, FL).
- Award earned-time credits to both pretrial detainees and sentenced misdemeanants for participation in institutional programs and work details (Washington, DC).

Courts/Sentencing

- Divert appropriate offenders to specialty problem-solving courts or court-based treatment programs to address mental health and substance abuse needs.
- Create specialized courts or dockets to streamline and expedite some types of high-volume cases.
- Restructure bail system. For example:
 - Assign representation at bail hearings to indigent clients.
 - Base bail decisions on individual circumstances, rather than determinate grids.
 - Eliminate bail, basing release decisions on assessed risk alone.

- Create or revise the sentencing grid for misdemeanors, reducing sentence lengths and adding options for alternative community-based sanctions where appropriate.
 - If guidelines are recommended, require explanation for departure from recommended sanction.
- Make structural changes to courtroom, docket and staffing to improve the efficiency of case processing:
 - “One Defendant, One Judge” model matching a defendant to a single judge for all of the offender’s future cases.
 - Use of Pretrial Conference in the courtroom to reduce the number and length of case postponements.
 - Reduce unintentional Failure to Appear rate by adopting a court date notification system.
 - Develop a "Jail Longevity Report" that tracks the length of jail detention for each pending court case, including the identification of the lawyer which, in cases of lengthy detentions, calls for further inquiry by the court and the attorneys' supervisors.

Community Supervision

- Implement a risk and needs assessment for community supervision to target interventions and allocate resources where they are most needed (e.g., minimal supervision for low risk clients)
- Adopt a continuum of graduated responses to probation violations to reduce reliance on revocation and detention
- Reduce the length of time probation violators are sentenced to detention
- Give probation agency authority to enter administrative sanctions, reducing or eliminating the need for court hearings.
- Reduce the time that parole violators are held locally awaiting hearings by expediting the hearing process:
 - Establish arraignment court-like speedy processing.
 - Conduct hearings via video conference.

Meetings with Key Agencies

The following stakeholders have met with the JRI consulting team at least once since May 2011 in order to provide perspectives on drivers of criminal justice population and costs, and information about existing data available.

Adult Probation Department:

Chief Wendy Still, Deputy Chief David Koch, Bella Fudym, Diane Lim.

Board of Supervisors Appointees to Reentry Council:

Gerald Miller of CJ CJ and Ronald Sanders of the Transitions Clinic.

City Services Auditor, Controller’s Office:

Corina Monzón and Lani Kent.

Community Behavioral Health Services, Department of Public Health:

Craig Murdock.

Department of Child Support Services

Karen Roye, Director.

District Attorney's Office:

Lenore Anderson, Alternative Courts Director, and Lauren Bell, Community Initiatives Director.

Division of Adult Parole Operations:

District Administrator Matthew Goughnour and Agent Martin Figueroa.

Human Services Agency:

Dan Kelly, Director of Planning.

JUSTIS Technical Committee:

Linda Yeung, Al Corker, Walt Calcagno.

Juvenile Probation Department:

Allison Magee, Director of Administrative Services.

Mayor's Office:

Paul Henderson, Deputy Chief of Staff for Public Safety, and Melissa Howard and Rebekah Krell of the Budget Office.

Mayoral Appointee to Reentry Council:

Eddy Zheng, Community Youth Center.

Office of Economic and Workforce Development:

Glenn Eagleson, Director of Policy and Planning.

Police Department:

Officer Michelle Alvis.

Pretrial Diversion Project:

Will Leong, Executive Director.

Public Defender's Office:

Chief Attorney Matt Gonzalez, Specialty Courts Director Simin Shamji, & IT Director Tyler Vu.

Sheriff's Department:

Undersheriff Jan Dempsey, Chief Ellen Brin, & Lieutenant Kathy DeVoy.

San Francisco Board of Supervisors:

Supervisor Ross Mirkarimi, Chair of Public Safety Committee.

San Francisco Superior Court:

Judge Charles Haines.

Next Steps

The City Attorney's Office is working with involved departments to finalize an information sharing agreement to allow City/County Departments to appropriately share data with the JRI consulting team. The JRI consulting team will then conduct an analysis of the data, and report back findings to the Reentry Council. From the findings, policy options will be presented and considered for implementation by the Reentry Council and partners. The Reentry Council will receive an update on the progress of the Justice Reinvestment Initiative at each full Council meeting.

For questions or comments about San Francisco's Justice Reinvestment Initiative, please contact Jennifer Scaife, Reentry Resource Coordinator, at reentry.council@sfgov.org or (415) 558-2406.